



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

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FILE COPY

CERTIFIED MAIL

Richard A. Nysten, Esq.
Lynch DeSimone & Nysten, LLP
12 Post Office Square
Boston, Massachusetts 02109

June 8, 2007

Re: NEWBURYPORT - Solid Wastes/COR
Crow Lane Landfill
Superior Court Civil Action No. 06-0790 C
Preliminary Injunction
Paragraph 9 – Notice of Noncompliance
Odor Nuisance Conditions
FMF No. 39545

Dear Attorney Nysten:

The Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Solid Waste Section (the "MassDEP") has confirmed as described herein that releases of malodorous landfill gas from the Crow Lane Landfill in Newburyport, Massachusetts occurred on June 8, 2007 and resulted in the occurrence of nuisance odors in the residential neighborhood to the south of the Landfill in violation of sections 310 CMR 7.01 and 310 CMR 7.09 of the Massachusetts Air Pollution Control Regulations and section 310 CMR 19.117 et seq. of the Massachusetts Solid Waste Regulations..

MassDEP, New Ventures and the City of Newburyport received at least five (5) complaints from different residents of the neighborhood to the south of the landfill regarding noxious odors from 2:00 AM to 6:00 AM on June 8, 2007. These odor reports coincided with the detection of hydrogen sulfide gas at concentrations of 3 to 25 parts per billion by the Jerome Meter located to the south of the landfill in the ambient air monitoring station at 3 Charmanski Drive. Based on a conversation with Mr. Sandy McNurty of New Ventures, it is MassDEP's understanding that during this period a break out of odiferous landfill gas had occurred from the south slope of the Landfill from beneath a torn tarp within the tarped area to the east of extraction well EW-12. In



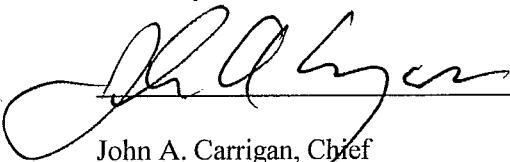
addition to this incident, MassDEP has received persistent odor complaints for the last several weeks.

Pursuant to paragraph 9 of the preliminary injunction entered on October 20, 2006 in Suffolk Superior Court, Civil Action No. 06-0790 C, as amended by order of the Court on November 1, 2006 and February 22, 2007 (the "Order"), this letter serves as written notification to your client, New Ventures Associates, LLC ("New Ventures") of violations of 310 CMR 7.01 and 7.09, 310 CMR 19.117 and the Order. Pursuant to paragraph 9 of the Order, New Ventures shall immediately take any and all actions necessary to return to full compliance with the air quality and nuisance requirements of 310 CMR 19.000 *et seq.* and 310 CMR 7.00 *et seq.* within 72 hours of receipt of this written notice.

Notwithstanding the above requirement to return to compliance within 72 hours of this notice and, in order for you to address the persistent odor problems and remain in compliance with the Order, Sitec should conduct a comprehensive evaluation of the landfill and gas collection, treatment and combustion systems to identify sources of odor and causes of this noncompliance and, within seven (7) days of receipt of this letter, submit a written report to MassDEP which explains the measures that have been taken or will be taken to address odor sources and causes and a schedule for the completion of response actions not yet already taken.

If you have any questions please contact me at (978) 694-3299.

Sincerely,



John A. Carrigan, Chief
Solid Waste Management Section

Certified Mail Number: Hand Delivered 6/8/07

Attachments (4)

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